

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Eric Forsythe, Individually And On Behalf Of All )  
Others Similarly Situated, )  
Plaintiff, ) Civil Action No. 04cv10584 (GAO)  
vs. )  
Sun Life Financial Inc., et al., )  
Defendants. )  
Larry R. Eddings, Individually And On Behalf Of )  
All Others Similarly Situated, )  
Plaintiff, ) Civil Action No. 04cv10764 (GAO)  
vs. )  
Sun Life Financial Inc., et al., )  
Defendants. )  
Richard Koslow, Individually And On Behalf Of All )  
Others Similarly Situated, )  
Plaintiff, ) Civil Action No. 04cv11019 (GAO)  
vs. )  
Sun Life Financial Inc., et al., )  
Defendants. )

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**NOTICE OF SUBSEQUENTLY FILED CASES SUBJECT  
TO MOTION FOR CONSOLIDATION AND  
SUBMISSION OF REVISED [PROPOSED] ORDER**

Marcus Dumond, Henry Berdat, Stuart V. and	)	
Rosemary Sturgess, Kathleen Blair, William and	)	
Margie Booth, Karen Peach, and Richard and	)	
Evelyn Keller,	)	Civil Action No. 04cv11458 (RGS)
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Massachusetts Financial Services Company and	)	
MFS Fund Distributors, Inc.,	)	
	)	
Defendants.	)	
	)	

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that plaintiffs Eric Forsythe and Larry R. Eddings ("Plaintiffs"), by their counsel, hereby notify this Court of two related actions filed subsequent to each of the Plaintiffs' above-referenced actions and the Motion For Consolidation. Plaintiff Forsythe's case was filed on March 25, 2004 and plaintiff Eddings' case was filed on April 15, 2004. On May 14, 2004, Plaintiffs filed a Motion for Consolidation and the following subsequently-filed cases should also be included in the requested consolidation:

- (1) *Richard Koslow vs. Sun Life Financial Inc., et. al.*, 04-cv-11019 (GAO), filed May 20, 2004; and
- (2) *Marcus Dumond, et. al. v. Massachusetts Financial Services Company, et. al.*, 04-cv-11458 (RGS), filed in the Middle District of Florida, Tampa Division on May 4, 2004 and transferred to the District of Massachusetts on July 1, 2004.

Plaintiffs state that three of the above-captioned actions, the *Forsythe*, *Eddings* and *Koslow* actions, assert class claims on behalf of classes of investors in mutual funds belonging to the Massachusetts Financial Services Company ("MFS") family of mutual funds (the "MFS Funds"), and derivatively on behalf of the MFS Funds, against the MFS Funds investment advisers, their corporate parents and the MFS Funds trustees during class periods beginning

March 24, 1999 and ending November 17, 2003. These actions are for violations of the Investment Company Act of 1940 (the "ICA") § 36(b) for breach of fiduciary duty and the ICA for violations of Rule 12b-1. The fourth action, the *Dumond* action, similarly asserts claims derivatively against MFS and MFS Fund Distributors, Inc. and contains the same derivative claims for violations of the ICA § 36(b) for breach of fiduciary duty and the ICA for violations of Rule 12b-1 as the *Forsythe*, *Eddings* and *Koslow* actions. Counsel in those three actions have agreed to consolidate their actions, and *Dumond* should also be consolidated.

Plaintiffs are submitting as an attachment to this Notice a Revised [Proposed] Order for the convenience of the Court.

Dated: July 12, 2004

Respectfully submitted,

**MOULTON & GANS, P.C.**

By: /s/ Nancy Freeman Gans  
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**LOCAL RULE 7.1 CERTIFICATE**

While the above is a Notice, not a motion, I, Nancy Freeman Gans, counsel for plaintiffs Eric Forsythe and Larry R. Eddings, hereby certify that I notified the following defense counsel regarding the Notice of Subsequently Filed Cases subject to the Motion for Consolidation: Jonathan Shapiro of Wilmer, Cutler, Pickering, Hale & Dorr; John J. Falvey, Jr. of Testa, Hurwitz & Thibeault; Abigail Hemani of Goodwin Procter LLP; George J. Skelly of Nixon Peabody LLP; and, by voicemail, John D. Donovan of Ropes & Gray LLP. Defense counsel

have taken no position. I have also notified the following plaintiffs' counsel: Michelle Blauner of Shapiro Haber & Urmy, LLP, counsel for Plaintiffs in the Dumond action, and Richard A. Maniskas of Schiffrian & Barroway, LLP counsel for plaintiff Richard Koslow. Plaintiffs in the Dumond action oppose consolidating their case with the other three cases while plaintiff Koslow does not oppose the consolidation of all four cases.

/s/ Nancy Freeman Gans  
Nancy Freeman Gans

**CERTIFICATE OF SERVICE**

I, Nancy Freeman Gans, hereby certify that a true copy of the above document was served upon the attorney of record for each party by faxing a copy of same on July 12, 2004.

/s/ Nancy Freeman Gans  
Nancy Freeman Gans